



ORGANISATION INTERGOUVERNEMENTALE POUR LES TRANSPORTS INTERNATIONAUX FERROVIAIRES
ZWISCHENSTAATLICHE ORGANISATION FÜR DEN INTERNATIONALEN EISENBAHNVERKEHR
INTERGOVERNMENTAL ORGANISATION FOR INTERNATIONAL CARRIAGE BY RAIL

**Assemblée générale
Generalversammlung
General Assembly**

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PARTIAL REVISION OF COTIF – BASIC CONVENTION

Proposed amendments

**Convention concerning International Carriage by Rail
(COTIF)**

**Article 3
International cooperation**

§ 1 The Member States undertake to concentrate their international cooperation in the railway field, in principle, within the framework of the Organisation, and this to the extent that there exists a coherence in the tasks which are attributed to it in accordance with Articles 2 and 4. To attain this objective, the Member States will adopt all measures necessary and useful in order that the international multilateral conventions and agreements in force to which they are contracting parties should be adapted, to the extent that these conventions and agreements concern international cooperation in the railway field and attribute competences to other intergovernmental or non-governmental organisations which cut across the tasks attributed to the Organisation."

§ 2 The obligations resulting from § 1 for the Member States, which are at the same time Members of the ~~European Communities~~ **European Union** or States parties to the European Economic Area Agreement, shall not prevail over their obligations as members of the ~~European Communities~~ **European Union** or States parties to the European Economic Area Agreement..

**Article 12
Execution of judgements. Attachment**

[...]

§ 5 Railway vehicles may only be seized on a territory other than that of the Member State in which the keeper has its registered office, under a judgement given by the judicial authority of that State. The term "keeper" means ~~the person who, being the owner or having the right to dispose of it, exploits the railway vehicle economically in a permanent manner as a means of transport~~ **the person or entity that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport.**

**Article 14
General Assembly**

[...]

§ 2 The General Assembly shall:

[...]

- e) fix, for ~~six~~ **three** year periods, the maximum amount that the expenditure of the Organisation may reach in each budgetary period (Article 25); if not, it shall issue directives relating to the limitation of that expenditure for a period no longer than ~~six~~ **three** years;

§ 6 The General Assembly shall take its decisions by the majority of the Member States represented at the time of the vote, save in the case of § 2, letters e), f), g), h), l) and p) as well as of Article 34 § 6, for which the majority shall be two-thirds. However, in the case of § 2, letter l) the majority shall be two-thirds only in the case of proposals aiming to modify the Convention itself, with the exception of Articles 9 and 27 §§ 2 to ~~5~~ **4** and the Protocol referred to in Article 1 § 4.

Article 15 Administrative Committee

[...]

§ 5 The Committee shall:

[...]

- g) fix, on the basis of the approved accounts, the definitive contributions due from the Member States in accordance with Article 26 for the ~~two~~ previous calendar year, as well as the amount of the treasury advance due from the Member States in accordance with Article 26 § 5 for the current year and the next calendar year;

Article 20 Committee of Technical Experts

§ 1 The Committee of Technical Experts shall:

- a) take decisions, in accordance with Article 5 of the APTU Uniform Rules, about the validation of a technical standard relating to railway material intended to be used in international traffic; **When taking such decisions, the technical standards or certain specific parts of these standards may either be validated or rejected; they may not under any circumstances be modified;**
- b) take decisions, in accordance with Article 6 of the APTU Uniform Rules, about the adoption **or modification** of a uniform technical prescription relating to the construction, operation, maintenance or relating to a procedure concerning railway material intended to be used in international traffic;
- c) keep a watch on the application of technical standards and uniform technical prescriptions relating to railway material intended to be used in international traffic and examine their development with a view to their validation or adoption in accordance with the procedures provided for in Articles 5 and 6 of the APTU Uniform Rules;
- d) take decisions, in accordance with Article 33 § 6, about proposals aiming to modify the Convention;
- e) deal with all other matters which are assigned to it in accordance with the APTU Uniform Rules and the ATMF Uniform Rules.

§ 2 There shall be a quorum (Article 13 § 3) in the Committee of Technical Experts, when one-half of the Member States, within the meaning of Article 16 § 1, are represented there. When the Committee is taking decisions about provisions of the Annexes to the APTU Uniform Rules, Member States which have made an objection, in accordance with Article 35 § 4, with regard to the provisions concerned or have made a declaration, in accordance with Article 9 § 1 of the APTU Uniform Rules, shall not have the right to vote.

~~§ 3 The Committee of Technical Experts may either validate technical standards or adopt uniform technical prescriptions or refuse to validate or adopt them; it may not under any circumstances modify them.~~

Article 24

Lists of lines or services

[...]

- § 5 Carriage on the maritime and inland waterway services referred to in § 1 and carriage on the railway lines referred to in § 2 shall be subject to the provisions of the Convention on the expiration of one month running from the date of the notification of their inclusion by the Secretary General. Such a service or line shall cease to be subject to the provisions of the Convention on the expiration of ~~three~~ **one** months running from the date of the notification of the deletion by the Secretary General, save in respect of carriage underway which must be finished.

Article 25

Work Programme. Budget. Accounts. Annual Report

- § 1 The ~~work programme~~, budget and accounts of the Organisation shall cover a period of ~~two~~ one calendar years. **The work programme shall cover a period of two calendar years.**
- § 2 The Organisation shall publish a management report at least **every two years year**.
- § 3 The total amount of expenditure of the Organisation shall be fixed, for each budgetary period, by the Administrative Committee on a proposal by the Secretary General.

Article 26

Financing the expenditure

[...]

- § 5 The contributions of the Member States to the expenditure of the Organisation shall be due in the form of a treasury advance payable ~~in two instalments~~ at the latest by the 31 October of ~~each of the two~~ **the years** covered by the budget. The treasury advance shall be fixed on the basis of the definitive contributions for the ~~two~~ **preceding years**.
- § 6 When sending the management report and statement of accounts to the Member States, the Secretary General shall notify the definitive amount of the contribution for the ~~two~~ **previous calendar years** as well as the amount of the treasury advance in respect of the ~~two~~ **calendar years** to come.
- § 7 After the 31 December of the year the notification is made by the Secretary General in accordance with § 6, the amounts due for the last ~~two~~ **calendar years** shall bear interest at the rate of five per cent per annum. If, ~~one year~~ **two years** after that date, a Member State has not paid its contribution, its right to vote shall be suspended until it has fulfilled its obligation to pay. On expiry of a further period of two years, the General Assembly shall consider whether the attitude of that State should be regarded as a tacit denunciation of the Convention and, where necessary, shall determine the effective date thereof.

Article 33
Competence

[...]

“§4 Subject to decisions taken by the General Assembly in accordance with § 3, first sentence, the Revision Committee shall take decisions about proposals aiming to modify:

- a) Articles 9 and 27 §§ 2 to ~~5~~ 4;